

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

AUG 10 2019

David J. Bradley, Clerk

United States of America

v.

Edson SANTIESTEBAN-Garcia  
YOB: 1979, COC: Mexico

Case No.

M-19-1895-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 9, 2019 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 United States Code § 554

Did knowingly and willfully attempt to export or send from the United States, any merchandise, article, or object, to wit: approximately 28 high-capacity firearm magazines, contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on August 10, 2019.

✓ Continued on the attached sheet.


Submitted by reliable electronic means, sworn to and attested to  
telephonically per Fed. R. Cr. P. 4.1, and probable cause found  
on: @ 3:01 PM

Complainant's signature

Gerardo Mercado, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 8/10/2019City and state: McAllen, Texas  
Judge's signature

J. Scott Hacker, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

- I. On August 9, 2019, Homeland Security Investigations McAllen, Texas (HSI McAllen) Special Agents (SAs) and U.S. Customs and Border Protection Officers (CBPOs) referred a silver Ford F150 (hereinafter referred to as "Subject Vehicle") for an outbound inspection as the Subject Vehicle attempted to exit the United States into Mexico at the Hidalgo Port of Entry in Hidalgo, Texas (Hidalgo, Texas POE). An occupant of the Subject Vehicle was later identified as Edson SANTIESTEBAN-Garcia, a citizen of Mexico, from Durango, Durango, Mexico.
- II. During the outbound inspection, SANTIESTEBAN advised CBPOs/HSI Agents that numerous high-capacity firearm magazines were concealed within the Subject Vehicle. Subsequently, CBPOs/HSI Agents discovered a 5.56/.223 caliber 100-round capacity firearm magazine, a 7.62 caliber 75-round capacity firearm magazine, and an assortment of approximately 26 firearm magazines concealed within the center console and behind the driver/passenger seats throughout various natural voids within the Subject Vehicle.
- III. At the Hidalgo, Texas POE, HSI Agents advised SANTIESTEBAN of his Miranda rights and SANTIESTEBAN agreed to be interviewed by HSI Agents without an attorney present. SANTIESTEBAN admitted to traveling approximately 10 hours from Durango, Mexico to McAllen, Texas solely to procure high-capacity firearm magazines from the United States and intended to transport the high-capacity firearm magazines into Mexico. SANTIESTEBAN claimed he intended to procure the high-capacity firearm magazines on behalf of the state police in Durango, Mexico. SANTIESTEBAN claimed he concealed the high-capacity firearm magazines within the Subject Vehicle to avoid detection by Mexican law enforcement officials in Tamaulipas, Mexico. SANTIESTEBAN claimed he was aware that it was unlawful to illegally export firearms

ATTACHMENT A

and ammunition from the United States into Mexico. SANTIESTEBAN stated he had previously procured numerous high-capacity firearm magazines from McAllen, Texas and sold the high-capacity firearm magazines in Durango, Mexico.

- IV. According to the U.S. Department of State, Office of Defense Trade Controls Compliance (DTCC), firearm magazines are determined to being defense articles described on the United States Munitions List (USML) and regulated for export pursuant to the Arms Export Control Act (Title 22 United States Code 2778).